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FM AMEMBASSY RANGOON
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4338
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHBJ/AMEMBASSY BEIJING 0760
RUEHBY/AMEMBASSY CANBERRA 9531
RUEHKKA/AMEMBASSY DHAKA 4071
RUEHLO/AMEMBASSY LONDON 1540
RUEHNE/AMEMBASSY NEW DELHI 3248
RUEHUL/AMEMBASSY SEOUL 6632
RUEHTC/AMEMBASSY THE HAGUE 0502
RUEHKO/AMEMBASSY TOKYO 4246
RUEHCI/AMCONSUL CALCUTTA 0664
RUEHCN/AMCONSUL CHENGDU 0665
RUDKIA/AMCONSUL CHIANG MAI 0291
RUEATRS/DEPT OF TREASURY WASHDC
RUEHGV/USMISSION GENEVA 2596
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C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000403

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STATE FOR EAP/MLS; PACOM FOR FPA; TREASURY FOR OASIA:AJEWELL

E.O. 12958: DECL: 12/08/2015

TAGS: ELAB PGOV PREL ECON BM

SUBJECT: BURMA GIVES ILO THE COLD SHOULDER

REF: A. RANGOON 368

¶B. RANGOON 146

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Classified By: Econoff TLManlowe for Reason 1.4 (b,d).

¶1. (C) Summary: Labor Minister U Thaung told ILO Special Advisor Francis Maupain that the GOB will not negotiate how it handles claims of forced labor and made it clear the GOB will not take any significant action to address the international community's forced labor concerns. According to ILO Liaison Officer Richard Horsey, the ILO will seek to build consensus on next steps during meetings from March 27 in Geneva. Horsey outlined options for further action against Burma and solicited the US position on the options. Horsey doubted the regime could be influenced to change its position, but would stay on in Burma while any hope of improvement remains. End summary.

The "Last Chance to Achieve Anything"

¶2. (C) On March 23, ILO Liaison Officer, Richard Horsey briefed Charge about ILO Special Advisor Francis Maupain's March 12-13 mission to Burma. The Maupain visit was kept quiet at GOB request. Horsey billed the visit as the "last chance to achieve anything," as the GOB had stalled earlier efforts to negotiate an agreement that would allow the ILO to protect its sources and investigate charges of forced labor. Maupain pushed once more for agreement with Labor Minister U Thaung, and warned of the implications if no progress could be made. The Burmese Permanent Representative to the ILO, U Nyunt Maung Shein, who had been mildly supportive of the recent ILO proposal in Geneva, came back to Burma for the meeting, but remained silent.

¶3. (C) U Thaung declared at the outset that he had his

instructions. The GOB would not accept having a foreigner involved in any mechanism to address forced labor. In addition, the GOB would not give up its sovereign right to prosecute claimants who make false allegations of forced labor. The only concession the Labor Minister offered was to delay prosecution of complainants. He said that the regime views forced labor complaints as either valid or "politically-motivated allegations." If the GOB decided an issue was a political allegation, authorities would take no action against the complainant the first time, would take administrative action the second time, and would prosecute only on the third allegation from the same individual. The GOB would make all decisions on the validity of complaints.

¶4. (C) Maupain had traveled to Beijing before his Burma visit to invite Chinese participation on its proposed panel and to gauge Chinese support for ILO positions. Maupain had hoped that a Chinese mediator as the foreign representative on the independent panel to receive forced labor complaints might make it more palatable to the GOB. Absent any willingness to discuss, Maupain had no alternative but to inform the Minister that Burma could face further measures under Article 33.

Next Steps?

¶5. (C) Horsey outlined the choices ILO members will face when the current Governing Board meeting takes up the Burma issue during the week of March 27, and at the June International Labor Conference. One approach would be to bring the GOB to the International Court of Justice (ICJ) for violation of the ILO Convention to effectively oppose forced labor. However, Horsey said the ICJ process could take 4-5 years, and the outcome would only be confirmation of a position that is already clear.

¶6. (C) ILO members could agree to make the current 1999 ILO
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resolution more binding by requesting countries to review their relations with Burma and take appropriate action against the regime. Horsey allowed that few additional ILO members would take action beyond those who already had limited ties with Burma. Alternatively, he said, members could identify specific sectors for action against the government. Horsey said it would be difficult to get members to agree on which sectors to choose, and that focusing on specific sectors would not address other serious forced labor concerns in Burma.

¶7. (C) Since further action would not likely increase pressure on the regime, Horsey suggested a more principled approach might be a statement by the ILO declaring the situation unacceptable and Burma's actions incompatible with its ILO membership. This, in effect, would be showing Burma the door, which it may or may not take. Since Burma's withdrawal from the ILO would not become final for two years, circumstances might change in the interim.

ILO Will Stay, For Now

¶8. (C) Assessing the value of the ILO's continued presence in the face of no progress, Horsey said he felt that remaining outweighed the benefits of closing. He noted the great risk Burmese citizens take to contact him, as well as the unrealistic expectations they have that the ILO can protect them from GOB retaliation. The Charge agreed that the ILO's presence offers hope, and reminds the Burmese government and citizens that someone is monitoring and reporting on the situation.

¶9. (C) Comment: The ILO has performed a valuable role in bringing international attention to the practice of forced labor in Burma. Nevertheless, it is increasingly clear that the GOB does not accept the premise that forced labor is wrong. Instead, they believe that complaints about forced labor are politically motivated challenges to their control.

Horsey will be attending the Governing Board meeting from March 27. We recommend that the U.S. delegation in Geneva work closely with him to craft the strongest possible reaction. End comment.

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